

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
TCR Sports Broadcasting Holding, L.L.P.	)	MB Docket No. 08-214
d/b/a Mid-Atlantic Sports Network,	)	
Complainant	)	
v.	)	
Comcast Corporation,	)	File No. CSR-8001-P
Defendant	)	

To: Marlene H. Dortch, Secretary

Attn: Hon. Richard L. Sippel  
Chief Administrative Law Judge

**PREHEARING SUBMISSION OF TCR SPORTS BROADCASTING HOLDING, L.L.P.,  
D/B/A MID-ATLANTIC SPORTS NETWORK**

Pursuant to the Further Revised Procedural and Hearing Order, FCC 09M-31 (rel. Apr. 2, 2009), TCR Sports Broadcasting Holding, L.L.P., d/b/a Mid-Atlantic Sports Network (“MASN”), submits the following:

**I. WITNESS LIST AND SUMMARIES OF TESTIMONY**

MASN intends to offer the testimony of James Cuddihy, David Gluck, Dr. Hal Singer, and Mark Wyche. The written direct testimony of each witness is attached to this Prehearing Submission (*see* Part II below); it is also summarized here:

<b>James Cuddihy</b>	James Cuddihy is the Vice President of Marketing, Programming, Affiliate Relations of MASN. Mr. Cuddihy's testimony will principally concern Comcast's retaliatory acts after losing the rights to both the Baltimore Orioles and the Washington Nationals to MASN; the similarly situated nature of MASN and CSN-MA and CSN-Philly; the double-standards that Comcast applies to its affiliated versus unaffiliated RSNs; the strong demand for MASN across MASN's Television Territory; and the unfair harm to MASN from Comcast's discriminatory conduct.
<b>David Gluck</b>	David Gluck has more than 15 years of experience providing legal and business advice to programming vendors, such as MASN. Mr. Gluck's testimony will principally concern the negotiations of affiliate agreements for MASN with other MVPDs across MASN's Television Territory, including MASN's negotiations with Comcast.
<b>Dr. Hal Singer</b>	Dr. Hal Singer is the President and Managing Partner of Empiris LLC, an economic consulting firm and an expert in the field of economics with significant experience regarding RSN carriage issues. Dr. Singer's testimony will principally concern Comcast's affiliation-based discrimination; the economic incentives for Comcast to limit carriage of MASN; the fair value of MASN's programming; and the effects of Comcast's discriminatory conduct on MASN's ability to compete fairly.
<b>Mark C. Wyche</b>	Mark C. Wyche is Managing Director Bortz Media & Sports Group, Inc., a preeminent sports media consulting firm, and an expert in the field of RSN programming. Mr. Wyche's testimony will principally concern the strong demand for MASN's programming; the fair value of MASN's programming; Comcast's incentives to protect the interests of its affiliated RSNs from competition from MASN; and carriage negotiations between MASN and Comcast.

## **II. WITNESS DIRECT TESTIMONY**

The written direct testimony of each witness that MASN intends to call is attached as follows:

**James Cuddihy** Attachment A

**David Gluck** Attachment B

**Dr. Hal Singer** Attachment C

**Mark C. Wyche** Attachment D

## **III. TRIAL BRIEF**

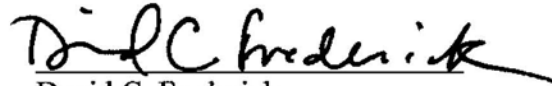
MASN's trial brief is attached hereto as Attachment E.

## **IV. HEARING EXHIBITS**

MASN is submitting as Attachment F an index of the exhibits that it contemplates using at the hearing. The index also includes documents with respect to which official notice is requested. Copies of all exhibits have been assembled in binders that are being delivered to the Presiding Judge (two copies), counsel for Comcast (two copies), and the Enforcement Bureau (one copy).

MASN has made its best effort to provide a complete set of exhibits for its case-in-chief. MASN reserves the right to use exhibits identified by Comcast, as well as exhibits not listed on Attachment F on cross-examination or for impeachment or rebuttal. MASN further reserves the right to use other materials not listed in Attachment F or documents identified by Comcast on its exhibit list for good cause shown and subject to the rulings of the Presiding Judge.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D.C. Frederick", with a long horizontal flourish extending to the right.

David C. Frederick

Wan J. Kim

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May 8, 2009

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## CERTIFICATE OF SERVICE

I, Kelly P. Dunbar, hereby certify that, on May 8, 2009, copies of the foregoing document were served via electronic mail on the following:

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